

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KALVIN JOSEPH GOBERT,

Defendant.

CR-15-75-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 26, 2019. (Doc. 47.) The United States accused Calvin Joseph Gobert of violating his conditions of supervised release by: (1) consuming alcohol; (2) using methamphetamine; (3) failing to report for substance abuse testing; (4) failing to report for substance abuse treatment; (5) failing to report for sex offender treatment; and (6) failing to notify his probation officer of a change in residence. (Doc. 44 at 1-2.)

Judge Johnston entered Findings and Recommendations in this matter on February 27, 2019. (Doc. 51.) Gobert waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 3. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will

review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violation proves serious and warrants revocation of Gobert's supervised release. Judge Johnston has recommended that the Court revoke Gobert's supervised release and commit Gobert to the custody of the Bureau of Prisons for a term of 3 months, with 33 months of supervised release to follow. (Doc. 51 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Gobert's violation of his conditions represents a serious breach of the Court's trust. A sentence of 3 months custody, with 33 months of supervised release to follow represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 51) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Calvin Joseph Gobert be sentenced to 3 months custody with 33 months supervised release to follow.

DATED this 4th day of March, 2019.



Brian Morris
United States District Court Judge